



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 26 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Paul Clark
President
31, Inc.
100 Enterprise Drive
Newcomerstown, Ohio 43832

Re: Administrative Consent Order
31, Inc.

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case. If you have any questions about the Order, please contact me at (312) 886-6797.

Sincerely,

A handwritten signature in black ink, appearing to read "Sarah Marshall", is written over a horizontal line.

Sarah Marshall, Chief
Air Enforcement and Compliance Assurance Section (MI/WT)

Enclosure

cc: Erik Olson/C-14J

Bob Hodanbosi
Ohio Environmental Protection Agency

Lisa Duvall
Ohio Environmental Protection Agency

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	EPA-5-17-113(a)-OH-06
)	
31, Inc.)	Proceeding Under Section 113(a)
Newcomerstown, Ohio)	of the Clean Air Act, 42 U.S.C.
)	§ 7413(a)
_____)	

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Order to 31, Inc. under Section 113(a) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a).

Statutory and Regulatory Background

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Halogenated Solvent Cleaning at 40 C.F.R. §§ 63.460 through 63.471.
3. The NESHAP, at 40 C.F.R. § 63.461, defines a solvent cleaning machine as “any device or piece of equipment that uses halogenated hazardous air pollutant (HAP) solvent liquid or vapor to remove soils from the surfaces of materials.”
4. The NESHAP, at 40 C.F.R. § 63.461, defines a batch cleaning machine as a “solvent cleaning machine in which individual parts or set of parts move through the entire cleaning cycle before new parts are introduced into the solvent cleaning machine.”
5. The NESHAP, at 40 C.F.R. § 63.461, defines halogenated HAP solvent to include trichloroethylene (TCE).

6. The NESHAP, at 40 C.F.R. § 63.461, defines cold cleaning machine as “any device or piece of equipment that contains and/or uses liquid solvent, into which parts are places to remove soils from the surfaces of the parts or to dry the parts.”
7. The NESHAP, at 40 C.F.R. § 63.462(a), describes the operational requirements for batch cold cleaning machines, including specifications for downtime covers and water layers or freeboard ratio requirements.
8. The NESHAP, at 40 C.F.R. § 63.462(d) describes notification requirements for batch cold cleaning machines.
9. Under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), the Administrator of EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

10. 31, Inc. owns and operates a tire repair supply kit manufacturing operation at 100 Enterprise Drive, Newcomerstown, Ohio (the Facility).
11. 31, Inc. is a corporation doing business in Ohio, and is an “owner or operator” as defined at 40 C.F.R. § 63.2.
12. 31, Inc. operates a batch cold cleaning machine containing TCE.
13. 31, Inc.’s batch cold cleaning machine is subject to NESHAP Subpart T at 40 C.F.R. § 63.460.
14. On February 22, 2017, EPA issued a Section 114 Information Request (Information Request) to 31, Inc. requesting information about the facility’s operations to determine compliance with the CAA and the Ohio State Implementation Plan.

15. On March 29, 2017, EPA received a complete response from 31, Inc. to the Information Request. In the response, 31, Inc. provided information about the operation of the facility's batch cold cleaning machine and TCE usage.
16. 31, Inc. failed to meet the design, work, and operational requirements for batch cold cleaning machines in violation of 40 C.F.R. § 63.462.
17. 31, Inc. failed to follow applicable design requirements and operational practices, for batch cold cleaning machines in violation of Subpart T.
18. On August 10, 2017, EPA and 31, Inc. discussed Subpart T applicability for 31, Inc.'s batch cold cleaning machine. At this time, EPA informed 31, Inc. of the unit's non-compliance. During the discussion, 31, Inc. offered to replace the non-compliant unit with parts cleaning machine that would not use a halogenated HAP solvent.

Compliance Program

19. By the date which is four months from the effective date of this Order, 31, Inc. must cease operation of the TCE batch cold cleaning machine.
20. By the date which is four months from the effective date of this Order, 31, Inc. must properly dispose of the batch cold cleaning machine.
21. By the date which is four months from the effective date of this Order, 31, Inc. must submit an application to the Ohio Environmental Protection Agency to remove all ability to operate a TCE batch cold cleaning machine at the Facility from any active permits.
22. By the date which is four months from the effective date of this Order, 31, Inc. must install an equipment or parts cleaning unit that operates with a water-based solvent, not containing any halogenated solvents listed in Subpart T at 40 C.F.R. § 63.460.

23. By the date which is six months from the effective date of this Order, 31, Inc. must submit a report to EPA containing the following:

- a. Purchase order for new unit, as required by Paragraph 22;
- b. Unit specifications and operating manual for equipment required by Paragraph 22;
- c. Documentation of installation of new unit required by Paragraph 22, including a picture; and
- d. Documentation of proper disposal of batch cold cleaning machine.

24. 31, Inc. must send all reports required by this Order to:

Attention: Compliance Tracker (AE-18J)
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

General Provisions

25. This Order does not affect 31, Inc.'s responsibility to comply with other federal, state, and local laws.

26. This Order does not restrict EPA's authority to enforce the CAA and its implementing regulations.

27. Failure to comply with this Order may subject 31, Inc. to penalties of up to \$45,268 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

28. The terms of this Order are binding on 31, Inc., its assignees and successors. 31, Inc. must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA, at the above address, that it has given the notice.

29. EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.

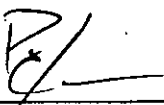
30. 31, Inc. agrees to the terms of this Order. 31, Inc. waives any remedies, claims for relief, and otherwise available rights to judicial or administrative review that it may have with respect to

any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b) of the CAA, 42 U.S.C. § 7607(b).

31. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate one year from the effective date, provided that 31, Inc. has complied with all terms of the Order throughout its duration.

31, Inc.

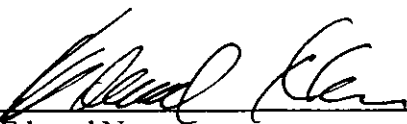
9-14-17
Date



Paul Clark, President
31, Inc.

United States Environmental Protection Agency

9-26-17
Date



Edward Nam
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

CERTIFICATE OF MAILING

I certify that I sent the Administrative Consent Order, EPA-5-17-113(a)-OH-06, by certified mail, return receipt requested, to:

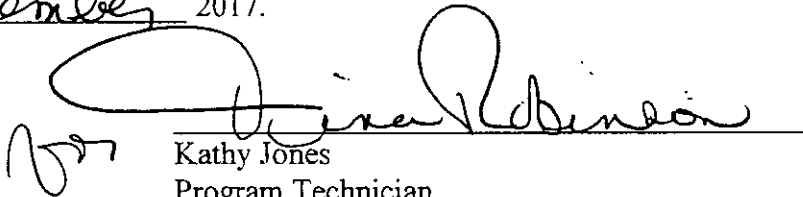
Paul Clark
President
31, Inc.
100 Enterprise Drive
Newcomerstown, Ohio 43832

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-17-113(a)-OH-06,, by E- mail to:

Bob Hodanbosi
Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
bob.hodanbosi@epa.ohio.gov

Lisa Duvall
Southeast District Office
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lisa.Duvall@epa.ohio.gov

On the 27th day of September 2017.


Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT
NUMBER:

72413700001571998916